

**Enrolled Minutes of the First Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, January 11, 2016**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, January 11, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.

The study session ended at 7:00 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, January 11, 2016 at 7:04 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer. The Town Clerk-Treasurer temporarily was presiding.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; Bob Johnsen, Assistant Public Works Director; Peter Hojnicki, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Cecile Petro, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Randy Bowman, Assistant Inspector for Electrical Code; and Ed Dabrowski IT Director (Contract) were also present.

Additionally present: Carol Green-Fraley and Pat Krull of the Highland Town Board of School Trustees and Brian Smith, Superintendent of Schools for the School Town of Highland were also present.

Special Orders:

Organization of the Town Council/First Meeting of the 28th Town Council. Since this is the first regular or special meeting of the 28th Town Council, pursuant to IC 36-5-2-7 and Section §2.05.040(D) of Highland Municipal Code, the Clerk-Treasurer will call the meeting to order, take roll and cause the selection of the Town Council President, "*which shall be first in order.*" Once selected, he shall assume the chair. *The Town Council members-elect and the Town Clerk-Treasurer-elect offered their oaths of office at the meeting of December 28, 2015. All*

terms of the prior Council ended just before noon January 1, 2016, including the officers of the Council, whose holding over provisions cannot exceed the member's term (IC 36-5-2-7).

The Town Clerk-Treasurer called the meeting to order in order to organize the 28th Town Council of the Town of Highland.

1. Election of the **Town Council President** for 2016 pursuant to § 2.05.040 of the Highland Municipal Code.

Councilor Herak moved that Bernie Zemen be elected Town Council President. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Councilor **Bernie Zemen** was elected 65th President of the Town Council. The Clerk-Treasurer then passed the gavel to Councilor Zemen and he assumed the chair.

2. Election of the **Town Council Vice President** for 2016, pursuant to § 2.05.040 of the Highland Municipal Code.

Councilor Kuiper moved to elect Councilor Dan Vassar as Vice President. Councilor Herak seconded. Upon a roll call vote, there four affirmatives and no negatives, the motion passed. Councilor Dan Vassar was elected Vice President.

3. Selection and Appointment of Town Attorney/Firm for the Session. *(No formal action necessary as firm continues unless the Town Council acts otherwise. Since this is a new "session" of the Town Council, going from 27th to 28th, affirming the current appointment is desirable.)*

Councilor Kuiper moved to affirm and approve the appointment of **Rhett L. Tauber** and **Tauber Law Offices** as the Town Attorney for the Town of Highland. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The appointment of Rhett L. Tauber and Tauber Law Offices and Town Attorney was affirmed and approved.

4. **Administration of Oath of Office** for Police Officer Candidate **Patrick F. Guider** and Police Officer Candidate **Andrew F. Germonprez**. Police Officer Candidates Guider and Germonprez were appointed by the Town Board of Metropolitan Police Commissioners at its meeting of December 10, 2015, with the appointments to be effective January 3, 2016, but not earlier than approval.

(a) *Administration of Oath for both candidates.* The Town Clerk-Treasurer administered the oath of office to Police Officer Candidate Andrew F. Germonprez first and then Police Officer candidate Patrick F. Guider. Each swore the oath.

(b) *Presentation of Badges by Metropolitan Police Commission Chair and/or Town Council President or the Metropolitan Police Chief.* The Metropolitan Police Chief and Town Board of Metropolitan Police Commission Chairman Steve Jurczak spoke about the quality of these candidates and presented each with his badge. Each officer introduced his or her family members present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 28 December 2015 were approved by general consent.

Staff Reports: The following staff reports were received and filed.

- **Building & Inspection Report for December 2015**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
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Commercial Buildings:		0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	6	0	6	\$33,0005.00	\$948.50
Signs:	6	0	6	\$79,271.00	\$2,352.00
Single Family:	1	1	0	\$280,000.00	\$3,312.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	42	42	0	\$254,515.00	\$5,093.50
Garages:	1	0	1	\$30,000.00	\$646.50
Sheds:	1	1	0	\$5,970.00	\$128.00
Decks & Porches:	1	1	0	\$1,177.00	\$181.00
Fences:	4	3	1	\$26,752.00	\$567.00
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	4	4	0	\$48,239.00	\$798.00
Miscellaneous	0	0	0		\$0.00
TOTAL:	66	52	14	\$758,929.00	\$14,026.50
Electrical Permits	15	9	6		\$1,314.50
Mechanical Permits	19	18	1		1,381.50
Plumbing Permits	4	3	1		\$388.00
Water Meters	1	1	0		\$230.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	5	4	1		\$618.00

December Code Enforcement:

Investigations: 134
Citations: 25

December Inspections:

Building: 26 Electrical: 18 Plumbing: 8 HVAC: 10
Electrical Exam: 0

• **Fire Department Report for December 2015**

To be filed at future meeting.

• **Workplace Safety Report for December 2015**

To be filed at future meeting.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments (May be made in meeting or at another time)
(Appointments have been placed on agenda in case there is readiness to act)

- 1. Waterworks Board of Directors:** (1) appointment to be made by Town Council President. (Note: Currently serving Matthew T. Timmer (D), and the vacancy/unexpired term of Michael Schneider (D)). Current composition of the board is three Republicans and two Democrats. No more than three of any one party under state law.

The Town Council President announced his re-appointment of **Matthew Timmer**, 3105 Highway Avenue, Highland, (D) to a full-term on the Board of Waterworks Directors.

2. **Board of Sanitary Commissioners: (2)** appointments to be made by Town Council President. *(Note: currently serving, David Jones (R) and vacancy/unexpired term of Mark Knesek, who resigned). Current composition is three Republicans, one Democrat and one vacancy. Current law provides no more than three of any one party.*

The Town Council President announced his re-appointment of **David Jones (R)**, 3705 41st Lane, Highland, to an additional term on the Board of Sanitary Commissioners.

Regional Statutory Commissions or Boards

3. **Northwestern Indiana Regional Planning Commission (NIRPC): (1)** appointment to be made by Town Council President. *(Note: No action is necessary as the appointment continues unless the Town Council President wishes to change appointment. Appointee must be an elected official of the community represented. Currently serving, Michael Griffin.)*

The Town Council President announced the reappointment of **Michael W. Griffin, Clerk-Treasurer**, to the Northwestern Regional Planning Commission. The Clerk-Treasurer thanked the President.

4. **Economic Development Commission. (1)** Appointment to be made by the municipal executive, but requiring nomination from the Lake County Council. Term ends just before February 1st. *Should instruct proper officer to ask for the County Council to submit its nomination in writing. Currently serving is Dave Beanblossom.*

The Town Council President noted his intention to re-appoint **Dave Beanblossom**. It was noted that the Lake County Council must nominate the appointee first. It would be taken up once that nomination was confirmed.

Legislative Appointments

1. **Park and Recreation Board (1)** appointment to be made by Town Council. *(Note: Currently serving Christopher Ray (R).)*

Councilor Vassar moved the re-appointment of **Christopher Ray**, 9027 Parrish, Highland. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Christopher Ray was reappointed to the Highland Park and Recreation Board.

2. **Town Board of Metropolitan Police Commissioners (2)** appointments to be made by Town Council. *(Note: currently serving Larry Moes (R) and Michael R. Danko (R)).*

Councilor Kuiper moved to reappoint **Larry Moes**, 2904 Clough Avenue, Highland and **Michael Danko**, 3501 Maple Drive, Highland to the Town Board of Metropolitan Police Commissioners. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Mr. Moes and Mr. Danko were reappointed.

Regional Statutory Commissions or Boards

3. **Lake County Solid Waste Management District Board of Directors (1)** appointment to be made by Town Council. *(Note: currently held by Bernie Zemen. Must be a member of the Town Council. Term is co-extensive with term of councilor. No*

action necessary unless the Town Council wishes to change the appointment as the term continues until acted upon or status changes as a legislative body member)

Councilor Vassar moved the appointment of **Councilor Steve Wagner**, 3244 Maple Drive, Highland, to the Board of Directors of the Lake County Solid Waste Management District. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Councilor Wagner was appointed.

4. **Shared Ethics Interlocal Cooperation Entity, Joint Board of Delegates.** Incumbent is Councilor *Bernie Zemen*. Appointment should be an elected official of the municipality. No action necessary if incumbent wishes to continue to serve.

Councilor Vassar moved the appointment of the Clerk-Treasurer, **Michael Griffin** 2911 99th Street, Highland, to the Joint Board of Delegates of the Shared Ethics Entity. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Clerk-Treasurer was appointed to the Joint Board of Delegates.

Home Rule Commissions

5. **Community Events Commission:**

(9) appointments to be made by the Town Council. **Term: 1 year.** (*Note: Currently serving, Brandon Wolak, Erica Rozenich-Wolak, Adam Nyiri, Fiona Culbertson, Sonyelle T. Clark, Rose James, Alayna Kaim, Christopher Kornaus, and Deanna Christ*)

Councilor Vassar moved the following persons be reappointed to the Community Events Commission. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The following persons were reappointed to one year terms.

Brandon Wolak
3344 Maple Drive

Erica Rozenich-Wolak
3344 Maple Drive

Adam Nyiri
8952 Cottage Grove Avenue

Fiona Culbertson
3118 Ridge Road

Sonyelle T. Clark
9204 Southmoor Avenue

Rose James
3338 LaPorte

Alayna Kaim
3620 42nd Place

Christopher Kornaus
8216 Grace Place

Deanna Christ
8216 Grace Place

6. Committee and Liaison Assignments. The Town Council President announced the assignments as follows:
 - **Bernie Zemen:** Chamber of Commerce Co-Liaison; IT Liaison and Redevelopment Commission liaison. (*This excludes the positions that are in consequence of holding position of Town Council President*)
 - **Mark Herak:** Board of Waterworks liaison; Board of Sanitary Commissioners Liaison; Community Events Commission Liaison; and Budget Committee Chairman.
 - **Dan Vassar;** Park and Recreation Board Liaison.
 - **Steve Wagner;** Advisory Board of Zoning Appeals liaison.
 - **Konnie Kuiper:** Fire Department liaison Town Board of Metropolitan Police Commissioners Liaison; and Chamber of Commerce Co-Liaison.

Unfinished Business and General Orders:

1. **Resolution No. 2016-01:** A Resolution of the Fiscal Body Approving & Fixing the Official Charges for Information and Communication Technology Services Provided by the Municipality to its Executive Departments and Offices and Accounted in the Information and Communication Technology Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2016-01. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND Town Council Resolution No. 2016-01

A RESOLUTION OF THE FISCAL BODY OF THE TOWN OF HIGHLAND APPROVING AND FIXING THE OFFICIAL CHARGES OR FEES FOR INFORMATION AND COMMUNICATION TECHNOLOGY SERVICES PROVIDED BY THE MUNICIPALITY TO ITS EXECUTIVE DEPARTMENTS AND OFFICES AND ACCOUNTED IN THE INFORMATION AND COMMUNICATION TECHNOLOGY FUND

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C. 36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, The Highland Town Council did adopt and establish an Information and Communication Technology Fund, by adoption of Ordinance No. 1323, amending the Highland Municipal Code by adding a new section § 31.08 (now codified as Section 3.45.110), which provides for an internal service fund as an accounting entity to which the resources and costs associated with providing information and communication technology services to the municipality will be accounted; and,

WHEREAS, Section 3.45.110 (F) (1) particularly provides that resources or revenue for these services supported by the internal service fund may consist of *"interdepartmental charges, contributions, cost shares or assessments levied against funds or departments of the municipality to support the lawful purposes and budget of the Information and Communication Technology Fund;"*

WHEREAS, Section 3.45.110 (F) (1) (a) still further provides that the *"charges and rates shall be developed and recommended by the proper officers of the municipality and fixed and approved by the Town Council";*

WHEREAS, The proper officers of the municipality have developed and now recommend charges and rates for **FY 2016** to support the costs associated with the provision of information and communication technology services to the municipality and its several executive departments and utilities; and,

WHEREAS, The Town Council now desires to fix and adopt the charges and rates as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the proper officer(s) of the municipality have developed and now recommend the following annual charge for services for the fiscal year **2016** as follows:

(a) For information and communication technology services provided to the several departments reposed in the **Corporation General Fund**, the annual charge is allocated at **25% of costs or \$46,655, based upon FY 2015;**

(b) For information and communication technology services provided to the department reposed in the **Park and Recreation Fund**, the annual charge is allocated at **20% of costs or \$37,324, based upon FY 2015;**

(c) For information and communication technology services provided to the department reposed in the **Redevelopment General Fund**, the annual charge is allocated at **5% of costs or \$9,331, based upon FY 2015;**

(d) For information and communication technology services provided to the Waterworks Utility, the annual charge is allocated at **25% of costs or \$46,655, based upon FY 2015;**

(e) For information and communication technology services provided to the Wastewater/Stormwater Utility, the annual charge is allocated at **25% of costs or \$46,655, based upon FY 2015;**

Section 2. That the Town Council hereby finds and determines that the rates and charges as recommended are consistent with IC 36-1-3-8(a)(6), calculated to include reasonable costs associated with those purposes outlined in Section §31.08 (D) of the Highland Municipal Code;

Section 3. That the Town Council hereby now fixes and approves the annual rates and charges as set forth herein, and authorizes the municipal fiscal officer to take such lawful measures to charge and collect the fees herein, either as a single lump sum fee or collected periodically until fully collected, and then to deposit these charges into the **Information and Communication Technology Fund;**

DULY RESOLVED and ADOPTED this 11th Day of January 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

2. **Enactment No. 2016-02:** An Enactment Authorizing a Special Contribution to the School Town of Highland to Support Debt Service Payments and Amelioration of Property Tax Impacts, pursuant to IC 36-1-3, IC 6-3.5-7 et seq., and Highland Municipal Code Section 3.45.127.

Councilor Vassar introduced and moved the consideration of Enactment No. 2016-02 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2016-02 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

ENACTMENT No. 2016-02
of the
TOWN of HIGHLAND, INDIANA

AN ENACTMENT AUTHORIZING A SPECIAL CONTRIBUTION TO THE SCHOOL TOWN OF HIGHLAND TO SUPPORT DEBT SERVICE PAYMENTS AND AMELIORATION OF PROPERTY TAX IMPACTS, PURSUANT TO IC 36-1-3, IC 6-3.5-7 ET SEQ., AND HIGHLAND MUNICIPAL CODE SECTION 3.45.127

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body;

WHEREAS, The Municipality receives distributions under the provisions of I.C. 6-3.5-7 et seq., and has established a fund to account for the activity associated with the lawful uses of the County Economic Development Income Tax, under Section 3.45.127 of the Highland Municipal Code;

WHEREAS, The Town Council notes that the School Town of Highland, which is a political subdivision, possessing boundaries that are coterminous and coextensive with the civil corporation boundaries;

WHEREAS, The Town Council is reliably advised that the School Town of Highland is taking steps to support several capital improvements and equipment acquisitions that are intended to be funded by capital lease payments to the Highland Multi-School Building Corporation, particularly financed by the sale of School Town of Highland/Highland Multi-School Building Corporation Ad Valorem Property Tax First Mortgage Bonds, Series 2016;

WHEREAS, The Town Council perceives that there is great public benefit and utility in cooperating with other political subdivisions and units of government for enhanced public services, lowering of costs, and where possible, to ameliorate property tax impacts;

WHEREAS, The Town Council further perceives that such cooperation and amelioration of property tax impacts has a positive impact on economic development for the community, thereby supporting retention of existing business operations and lowering barriers to new business and related investments;

WHEREAS, The Municipal Executive, following consultation with the Town Council, will file a Capital Improvement Plan, as required under the terms of I.C. 6-3.5-7-15 and Section 3.45.127(C)(2)(a) of the Municipal Code, which, will support the purposes of this enactment, if approved;

WHEREAS, The Town of Highland, through its Town Council, now desires to take the steps necessary to authorize and offer specific financial support from the resources of the County Economic Development Income Tax Fund of the Town of Highland to advance and support the identified project of the School Town of Highland;

NOW, THEREFORE, **BE IT HEREBY ORDAINED** BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby finds and determines the following:

- (A) That the Town of Highland is a local unit of general government governed by a Town Council which is both the fiscal and legislative body of the Town;
- (B) That IC 36-1-3-4(b) expressly provides that a unit has all powers granted to it by statute and *all other powers necessary or desirable* in the conduct of its affairs, even though not granted by statute;
- (C) That I.C. 36-7-2-7 provides that a unit may promote economic development and tourism;
- (D) That I.C. 6-3.5-7 provides and Section 3.45.127 of the Highland Municipal Code adopts the permissible uses of the CEDIT, which includes supporting economic development projects, and under those provisions, the Town Council **further determines** that the capital improvements, building retrofit and equipment acquisitions of the School Town of Highland will promote employment opportunities as defined in IC 6-3.5-7-13.1(c)(1)(A) plus Section 3.45.127(E)(1) of the Highland Municipal Code and involves expenditures defined in IC 6-3.5-7-13.1(c)(2), as locally adopted by Section 3.45.127(E) (3) of the Highland Municipal Code;

- (E) That I.C. 6-3.5-7 provides and Section 3.45.127 of the Highland Municipal Code adopts that the permissible uses of the CEDIT includes supporting economic development projects and the support contemplated under this enactment for the School Town of Highland's several capital improvements and equipment acquisitions that are intended to be funded by capital lease payments to Highland Multi-School Building Corporation, particularly financed by the sale of School Town of Highland/Highland Multi-School Building Corporation Ad Valorem Property Tax First Mortgage Bonds, Series 2016, is fully within the definition, provided in the statute;
- (F) That notwithstanding the foregoing, IC 6-3.5-7-13.1(b)(2)(C) and HMC Section 3.45.127 (D)(4) provide that CEDIT may be spent on the payment of lease rentals under any statute for a capital project;
- (G) That IC 6-3.5-7-13.1(b)(3) and HMC Section 3.45.127 (D)(11) provide that CEDIT may be expended for any *lawful purpose for which money in any other funds of the Town may be used*;
- (H) That the use of CEDIT contemplated under this enactment, will have the effect of ameliorating property tax impact, making rates lower than they would be otherwise, which is lawful and desirable for taxpayers, private investment, and both the Town of Highland and the School Town of Highland;
- (I) That the contribution or expenditure of CEDIT contemplated under this enactment will provide up to two million dollars (\$2,000,000) of property tax replacement, for the life of the debt service;
- (J) That the authorization and provision of specific financial support from the resources of the County Economic Development Income Tax Fund of the Town of Highland to advance and support the several capital improvements and equipment acquisitions by the School town of Highland, that are intended to be funded by capital lease payments to Highland Multi-School Building Corporation, particularly financed by the sale of School Town of Highland/Highland Multi-School Building Corporation Ad Valorem Property Tax First Mortgage Bonds, Series 2016, is a lawful purpose and expenditure of these resources;

Section 2. That pursuant to the foregoing findings and determinations, the Town of Highland by and through its Town Council, hereby offers, authorizes, and pledges the following:

(A) Beginning in Fiscal Year 2017, there will be an appropriation in the Economic Development Income Tax Fund in the amount of one hundred thousand dollars (\$100,000) to be remitted to the School Town of Highland in that year to be specifically deposited to the fund of the School Town that is dedicated to the debt service financing or capital lease payments supporting the repayment of School Town of Highland/Highland Multi-School Building Corporation Ad Valorem Property Tax First Mortgage Bonds, Series 2016, which were issued to finance and support the School Town of Highland's several capital improvements and equipment acquisitions;

(B) That the appropriation heretofore described will continue each year from 2017 for twenty years up to and including 2036, as long as the debt service or the capital lease is in effect, and will cease after 2036, or sooner, if the debt is for any reason retired earlier or the repayment is no longer needed;

(C) That the annual payment of One Hundred Thousand Dollars (\$100,000.00) shall be made by August 1 for the term described in Section 2(B) of this Enactment;

Section 3. That pursuant to IC 36-5-4-12(b)(13):

(A) The remittance authorized by this ordinance is hereby further authorized and defined as payments that may be made in advance of allowance by the Town Council, provided that all other provisions of IC 36-5-4-6 are observed in the processing of the claim;

(B) For the purposes of IC 5-11-10-1.6, this ordinance shall be affixed to any claim filed for payment and will serve as the fully itemized invoice;

Section 4. That the Board of Trustees of the School Town of Highland must evidence approval, consent and acceptance of the purposes, terms and objects of this Enactment, by adoption of a proper instrument and any additional document(s) necessary to further perfect the purposes and provisions of this enactment;

Section 5. That the Town Attorney, is hereby directed and authorized to perform such lawful duties and prepare such instruments or agreements to fulfill the purposes and provisions of this enactment;

Section 6. That the clerk-treasurer as municipal fiscal officer, is hereby directed and authorized to perform such lawful duties and keep such accounts as to fulfill the purposes and provisions of this enactment;

Section 7. That attached to this Enactment is the Agreement between the Town of Highland and the School Town of Highland authorizing a special contribution by the Town of Highland to the School

Town of Highland to support debt service payments and amelioration of property tax impacts. Said Agreement is hereby adopted and approved by the Town Council with the passage of this Enactment in each and every respect.

Section 8. Whereas an emergency exists for the immediate taking effect of this Enactment it shall become and be in full force and effect from and after the date of its passage and adopted upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 11th day of January 2016. Consideration on First Reading Sustained a vote of 4 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED and ADOPTED this 11th Day of January 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

Agreement on file.

Following passage and adoption of the Enactment, with leave from the Town Council, the Town Council President recognized the representatives from the School Town of Highland, who offered appreciation for the passage and adoption of Enactment No. 2016-02. School Board Trustee Carol Green-Fraley thanked the entire Council but also expressed special appreciation to Councilor Mark Herak and the Clerk-Treasurer for their early efforts to bring this action about.

3. **Resolution No. 2016-03:** A Resolution Clarifying a Previously Adopted Resolution Authorizing a Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 for the Redevelopment Bond & Interest Non-Exempt Fund.

Councilor Herak moved the passage and adoption of Resolution No. 2016-03. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
RESOLUTION NO. 2016-03**

A RESOLUTION CLARIFYING A PREVIOUSLY ADOPTED RESOLUTION AUTHORIZING A TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 FOR THE REDEVELOPMENT BOND & INTEREST NON-EXEMPT FUND.

Whereas, The Clerk-Treasurer in 2015 advised the Town Council that cash balance in the **Redevelopment Bond & Interest Non-Exempt Fund**, was not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues making it necessary to temporarily borrow money to enhance the fund, which led to the passage and adoption of **Resolution No. 2015-09**;

Whereas, The Clerk-Treasurer has further advised the Town Council that in closing out for year-end, there was noted an mistake of typography that required a clarification regarding the source of the loan, now repaid but identified the proper fund for repayment;

Whereas, The Clerk-Treasurer has further advised the Town Council that while not necessary, a clarifying action is desirable,

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That pursuant to Resolution No. 2015-09, the amount of **\$127,383.75** was borrowed for the **Redevelopment Bond & Interest Non-Exempt Fund** in 2015, incorrectly identifying the loan source fund while correctly identifying the fund source for repayment.

Section 2. That this resolution clarifies that the loan source fund as the **Redevelopment Capital Development Fund** of the Town of Highland and affirms the loan and the repayment as funded and repaid.

Duly Resolved and Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 11th day January 2016 Having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark Herak, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1578 the Wage and Salary Ordinance, as amended.

(a) The Building Commissioner requests permission to increase the starting pay of the Assistant Electrical Inspector by 75¢ per hour. The starting pay is fixed at \$22.75, now at \$23.00 pursuant to the authority of Section 1 of Ord. 1578 as amended. This request is based upon the protracted period in which this position has not had a pay adjustment. It is a part-time position.

Councilor Herak moved to approve the request of the Building Commissioner and authorize the added 75¢ per hour on the hourly rate. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The rate increase to bring the hourly rate to \$23.75 was approved.

5. **Works Board Order No. 2016-01:** An Order Approving and Authorizing the Proper Officer to Enter into a Purchase Agreement with Dell Incorporated for Desktop Computers, Monitors, Software and licensing, further defining this as a Small Purchase under Section 3.05.060 (G)(2) of the Municipal Code.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2016-01. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The works board order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2016-01**

AN ORDER APPROVING AND AUTHORIZING THE PROPER OFFICER TO ENTER INTO A PURCHASE AGREEMENT WITH DELL INCORPORATED FOR DESKTOP COMPUTERS, MONITORS, SOFTWARE AND LICENSING, FURTHER DEFINING THIS AS A SMALL PURCHASE UNDER SECTION 3.05.060 (G)(2) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, utilizes desktops computers as part of carrying out its public services and related duties in the Town of Highland; and

Whereas, The IT Director has determined a need to obtain certain computer equipment and has secured a quote from Dell Incorporated for the purchase of fifteen (15) Dell OptiPlex 7020 SFF Minitower Base CTO Computers at the unit price of **\$1,491.38** each, in the total amount of **\$22,370.70**, **numbered as Quote 1020359618201.1**; and

Whereas, The IT Director has determined a need to obtain monitors for the forgoing equipment and with the forgoing quote, secured a quote from Dell Incorporated for the purchase of fifteen (15) Dell Flat Panel Monitors at the unit price of **\$194.99** each, in the total amount of **\$2,924.85**, **numbered as Quote 1020359618201.1**; and

Whereas, The IT Contractor/Consultant/Director has determined a need to obtain certain computer equipment and has secured a quote from Dell Incorporated for the **additional purchase of ten (10) Dell Flat Panel Monitors** at the unit price of **\$194.99** each, in the total amount of **\$1,949.90**, **numbered as Quote 1019055109663.1** and

Whereas, The Purchasing Agent, pursuant to Section 3.050.060 (G) (2) of the Highland Municipal Code, expected that the purchase would be at less than \$50,000 and therefore qualified as a small purchase allowing purchase in the open market;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the HMC serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The amount of the purchase exceeds fifteen thousand (\$15,000) and, pursuant to Section 3.05.040 (C) and Section 3.05.050(B) of the HMC, requires the express approval of the purchasing agency; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The payment will be supported by approved existing appropriations in the Municipal Cumulative Capital Fund, pursuant to the requirements of IC 5-22-17-3(e); and

Whereas, The Town Council now desires to approve and authorize the proper officer to enter a purchase agreement pursuant to the terms stated herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the proper officer is hereby directed and authorized to of fifteen (15) Dell OptiPlex 7020 SFF Minitower Base CTO Computers at the unit price of **\$1,491.38** each, in the total amount of **\$22,370.70**, **numbered as Quote 1020359618201.1**, according to the standing retention and replacement schedule, to be used in the Metropolitan Police Department;

Section 2. That the proper officer is hereby directed and authorized to purchase fifteen (15) Dell Flat Panel Monitors at the unit price of \$194.99 each, in the total amount of **\$2,924.85**, **numbered as Quote 1020359618201.1**, according to the standing retention and replacement schedule, to be used in the Metropolitan Police Department;

Section 3. That the proper officer is hereby directed and authorized to purchase an additional ten (10) **Dell Flat Panel Monitors** at the unit price of **\$194.99** each, in the total amount of **\$1,949.90**, **numbered as Quote 1019055109663.1**, to be used in the Metropolitan Police Department or other departments of the municipality;

Section 4. That the proper officer is hereby directed and authorized to purchase the forgoing as a single order, in the total amount of **\$28,245.45** for the total purchase;

Section 5. That the Town Council as Works Board finds and determines that this purchase is a qualified **small purchase** as the total purchase is below \$50,000, which permits purchases in the open market without inviting quotes from at least three vendors, all pursuant to Section 3.05.060 (G)(2) as well as IC 5-22 et sequitur;

Section 6. That the Town Council as Works Board further finds and determined there are sufficient and available appropriations balances on hand to support the purchase to the credit of the Municipal Cumulative Capital Development Fund, pursuant to IC 5-22-17-3(e);

Section 7. That the Metropolitan Police Chief is authorized and directed to execute the purchase agreement and any additional documents in order to implement the purchase.

Be it So Ordered.

Duly, Passed, Adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of January 2016 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2016-02:** An Order Authorizing and Approving An agreement between CBL Consulting, Incorporated and the Town of Highland to perform Professional Information Technology services for the Municipality.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2016-02. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The works board order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2016-02**

An Order Authorizing and Approving An agreement between CBL Consulting, Incorporated and the Town of Highland to perform Professional Information Technology services for the Municipality

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide information technology support services throughout the Town;

Whereas, The Town has heretofore determined that a need exists to engage professional information technology services associated with support of the several software applications and certain hardware used by the several departments of the Town; and

Whereas, CBL Consulting, Inc, an information technology firm, has consented to provide professional services related to certain support needs related to the information technology of the several departments of the municipality; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1 and Section 3.05.090 of the Municipal Code; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described,

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the letter proposal serving as an agreement (incorporated by reference and made a part of this Order) between CBL Consulting Incorporated, and the Town of Highland, to provide professional information technology support services for the period beginning *1 January 2016 through to 31 December 2016* as described in the letter proposal is hereby approved, adopted and ratified in each respect, **with the following exceptions:**

(A) That regardless the billing frequency, payments will be made once each month in the amount described in the letter proposal;

(B) That only those provisions that are consistent with Federal or State law will be binding upon the parties;

Section 2. That the charges under the agreement for the services, which include functioning as the Town of Highland information technology director by performing routine and necessary maintenance on equipment identified in the letter proposal, perform data protection services for the town information work product, providing technical consulting, and other related service are found to be reasonable, all pursuant to IC 5-22-6-1 and Section 3.05.090 of the Municipal Code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid as a monthly fee to CBL Consulting, Inc., in the monthly amount of Three thousand, nine hundred dollars (\$3,900), a 2.6% increase over the 2015 monthly fee, following increases of 4.10% in 2015 and 4.28% in 2014;

Section 4. That the executive departments of municipality may use the services according to the terms of the agreement;

Section 5. That, notwithstanding any provision in the letter offer, the Town of Highland through its Town Council reserves its discretion and authority provided under IC 5-22-17-5;

Section 6. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 11th day of January 2016 having passed by a vote of 4 in favor and 0 opposed.

WORKS BOARD of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak congratulated Councilor Bernie Zemen on his election as Town Council President.

Councilor Herak also expressed condolences to the family of Carl Konopasek, former Griffith Town Councilor and John Terpstra, long-time and former Highland School Board Member.

Councilor Herak commented on the Engineering Firm interviews being conducted by the Board of Sanitary Commissioners.

- **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar expressed thanks to Councilor Herak for his leadership as Town Council President in the previous year. He also expressed condolences to the family of Bill Nangle late of the TIMES of Northwest Indiana.

Councilor Vassar acknowledged the Redevelopment Director, who reported that the Redevelopment Commission would be meeting the forthcoming Wednesday and who reported that the Town Theatre restoration was approved as a Indiana Bicentennial Legacy Project.

- **Councilor Steve Wagner:** *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner was absent.

- **Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners, Liaison. • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper had no report or comments.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison • IT Liaison • Redevelopment Commission Liaison.*

The Town Council President acknowledged the Police Chief who reported that the attended the funeral for the wife of former Police Chief Larry Woods.

The Town Council President acknowledged the Park and Recreation Superintendent who reported on the status of recreation programs.

Comments from Visitors or Residents:

1. Terry Fuqua, 3042 LaPorte, Highland, opined that the recent election of Councilor Mark Herak was a sort of “referendum” on the Town Theatre Project. Mr. Fuqua questioned why the Town Council would move forward on the restoration project.

Mr. Fuqua also expressed his concern about the standard of care exhibited by the Redevelopment Department for its properties, now owned by acquisition in furtherance of its Redevelopment Plan.

Mr. Fuqua opined that the Redevelopment Commission should have new leadership.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period December 29, 2015 through January 11, 2016 and the payroll docket for December 25, 2016. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket was allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$436,868.54; Motor Vehicle Highway and Street (MVH) Fund, \$49,143.14; Local Road and Street Fund, \$310.10; Corporation Bond and Interest Exempt Fund, \$1,713.20; Corporation Bond and Interest Fund, \$624,779.82; Flexible Spending Account Agency Fund, \$1,134.56; Insurance Premium Fund, \$141,703.57; Information and Communications Technology Fund, \$13,509.56; Police Pension Fund, \$60,883.12; Cumulative Capital Development Fund, \$62,813.10; Traffic Violations and Law Enforcement Agency Fund, \$4,250.50; Total: \$1,397,149.21.

Payroll Docket for payday of December 25, 2015:

Council, Boards and Commissions, \$10,513.96; Office of Clerk-Treasurer, \$15,012.20; Building and Inspection Department, \$8,080.02; Metropolitan Police Department, \$122,028.16; Fire Department, \$3,637.71; Public Works Department (Agency), \$60,838.28 and 1925 Police Pension Plan Pension Fund, \$60,802.38; Total Payroll: \$280,912.71.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, January 11, 2016 was adjourned at 8:00 O'clock p.m. There was no study session following this meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer